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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHONY RIOS,

Defendant.

Case No. 2:20-mj-00224-BNW

**Stipulation to Extend Deadlines to
Conduct Preliminary Hearing and
File Indictment (Second Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou, Acting United States Attorney, and Andrew W. Duncan, Assistant United States Attorney, counsel for the United States of America, and Jawara Griffin, counsel for Defendant Anthony Rios, that the Court vacate the preliminary hearing scheduled for July 6, 2021, at 3:00 p.m. and reschedule the hearing for a date and time convenient to this Court, but no sooner than 30 days from the currently scheduled date. This request requires that the Court extend two deadlines: (1) that a preliminary hearing be conducted within 21 days of a released defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an information or indictment be filed within 14 days of a defendant's arrest, *see* 18 U.S.C. § 3161(b).

This stipulation is entered into for the following reasons:

1 1. Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the
2 preliminary hearing within a reasonable time, but . . . no later than 21 days [after the initial
3 appearance] if [the defendant is] not in custody”

4 2. However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a
5 showing of good cause—taking into account the public interest in the prompt disposition of
6 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more
7 times”

8 3. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny
9 information or indictment charging an individual with the commission of an offense shall be
10 filed within thirty days from the date on which such individual was arrested or served with a
11 summons in connection with such charges. If an individual has been charged with a felony
12 in a district in which no grand jury has been in session during such thirty-day period, the
13 period of time for filing of the indictment shall be extended an additional thirty days.”

14 4. Moreover, the parties have entered into negotiations in an attempt to
15 promptly resolve this case and reduce the judicial and government resources required by
16 this case. The defense requires additional time to adequately advise Defendant regarding
17 any plea negotiations.

18 5. The additional time requested herein is not sought for the purposes of delay,
19 but to allow counsel for Defendant sufficient time to effectively and thoroughly research and
20 prepare and to determine whether to proceed with a preliminary hearing and indictment or
21 to resolve this case through negotiations.

22 6. Accordingly, the parties jointly request that the Court schedule the
23 preliminary hearing in this case no sooner than 30 days from the currently scheduled date.
24

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**[Proposed] Order on Stipulation to
Continue Preliminary Hearing and
Deadline to Indict Defendant**

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for July 6, 2021 at the hour of 3:00 p.m., be vacated and continued to August 10, 2021 at 2:00 PM.

DATED this 2nd day of July, 2021.



HONORABLE BRENDA N. WEKSLER
UNITED STATES MAGISTRATE JUDGE